

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BEATRICE HUDSON,**

**Plaintiff,**

**vs.**

**PHYSICIANS MUTUAL INSURANCE  
COMPANY,**

**Defendant.**

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**CASE NO. 8:05CV44**

**ORDER**

This matter is before the court on Plaintiff's Motion to Continue Plaintiff's Title VII Claim (Filing No. 18), and Defendant's Motion to Strike Plaintiff's Answer to Defendant's Answer (Filing No. 19).

Plaintiff alleges in her motion that she did not receive the Order on Initial Review ordering her to file with the court a copy of her Nebraska Equal Opportunity Commission ("NEOC") charge and her right-to-sue notice. (Filing No. 7) Therefore, the plaintiff shall file with the court a copy of her NEOC charge and her right-to-sue notice by December 19, 2005. Failure to provide the court with copies of the NEOC charge and the right-to-sue notice could result in the dismissal of the Plaintiff's Title VII claim. The court will rule on Defendant's motion to dismiss after the time set for Plaintiff to file the above referenced documents has expired.

Defendant's motion to strike plaintiff's answer to defendant's answer is denied. Pro se pleadings must be construed liberally. *Miles v. Ertl Co.*, 722 F.2d 434 (8<sup>th</sup> Cir. 1983); see also *Haines v. Kerner*, 404 U.S. 519 (1972). Therefore, the court will construe plaintiff's

answer to defendant's answer as a reply to an answer, which is allowed under Fed. R. Civ. P. Rule 7.

**IT IS ORDERED:**

1. Plaintiff's Motion to Continue Plaintiff's Title VII Claim (Filing No. 18) is granted.
2. Defendant's Motion to Strike Plaintiff's Answer to Defendant's Answer (Filing No. 19) is denied.
3. By December 19, 2005, Plaintiff shall file with the court a copy of her charge filed with the NEOC and her right-to-sue notice.

DATED this 5<sup>th</sup> day of December, 2005.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge